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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-551**

11 **TARA CHRISTINE BYCZYNSKI**
12 **268 Loma Ave.**
13 **Long Beach, CA 90803**
Registered Nurse License No. 685625

A C C U S A T I O N

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about August 4, 2006, the Board of Registered Nursing (Board) issued
22 Registered Nurse License Number 685625 to Tara Christine Byczynski (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on September 30, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
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1 4. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed nurse or deny an
3 application for a certificate or license for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5

6 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be
8 conclusive evidence thereof."

9 5. Section 2762 of the Code states:

10 "In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
12 chapter to do any of the following:

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14 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
15 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
16 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
17 himself or herself, any other person, or the public or to the extent that such use impairs his or her
18 ability to conduct with safety to the public the practice authorized by his or her license.

19 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
20 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
21 or the possession of, or falsification of a record pertaining to, the substances described in
22 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
23 thereof."

24 6. California Code of Regulations, title 16, section 1444, states:

25 "A conviction or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
28 safety, or welfare. "

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Substantially Related Conviction Involving Alcohol)

8. Respondent is subject to disciplinary action under Code sections 2761, subdivisions (a) and (f), and 2762, subdivision (c), in conjunction with California Code of Regulations, title 16, section 1444, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a registered nurse. Specifically, on or about March 1, 2010, in the case entitled *The People of the State of California v. Tara Christine Byczynski*, San Luis Obispo County Superior Court, Case No. M000441265, Respondent was convicted on one count of violating Vehicle Code section 23152, subdivision (b) (.08 BAC or above while driving), a misdemeanor. Respondent was found to have a BAC of .30 while driving on or about November 23, 2009, and was sentenced to serve ten (10) days in jail, was placed on three (3) years probation, and was ordered to attend a DWI nine-month first offender program and pay a fine in the amount of \$1,872.00.

SECOND CAUSE FOR DISCIPLINE

(Use of Alcohol Dangerous to Self or Others)

9. Respondent is subject to disciplinary action under Code sections 2761, subdivision (a), and 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent or in a manner dangerous or injurious to herself, any other person, or the public, or to the extent that such use impaired her ability to conduct with safety to the public the practice authorized by her license, as more fully discussed in paragraph 8, above, which is herein incorporated by reference as set forth in whole.

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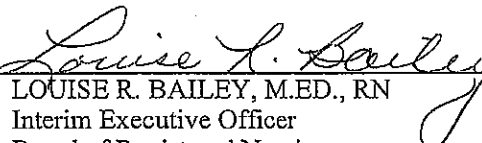
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 685625, issued to Tara Christine Byczynski;
2. Ordering Tara Christine Byczynski to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/26/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010501583